



**Chief's Update
January 20, 2015
Court Decision – Officer's Actions Reasonable**

Dear Tempe Police Employees,

Earlier today, a Federal civil jury comprised of eight jurors found the actions of Tempe Police Officer Matthew Warbington reasonable and not to be in violation of 42 USC 1983 – the statute addressing Civil Rights and the Use of Force by law enforcement.

For those of you unaware of the case, in 2011, Ofc. Warbington – and other members of the Tempe Police Department's Bike Squad – responded to a fight which had just taken place in the 600 block of S. Mill Avenue during bar close. One of the individuals involved – a wanted suspect identified as Jesse Castillo – fled into a crowded nearby business and while being taken into custody, actively fought with Ofc. Warbington and other Tempe Police officers who were trying to restore order; necessitating the use of force by officers to subdue him and keep the numerous innocent bystanders safe.

Sometime after the initial incident, Castillo and his attorneys filed a noticed of claim against Ofc. Warbington and the Tempe Police Department for \$2,000,000 citing that the force used against him was excessive and in violation of his civil rights. Upon review of the incident by the appropriate police department chain of command, the Tempe City Attorney's Office, and by me personally, a recommendation was made to the Tempe City Council to take this matter to trial and not settle it outside of court as the facts and circumstances surrounding the incident indicated that Ofc. Warbington and the others involved acted appropriately and did what was necessary to keep themselves and our community safe. The Mayor and the Members of Council agreed.

For the past three days, a civil trial took place in Federal Court where Tempe City Attorney(s) Cathy Bowman and Chris Davis presented evidence, examined and cross-examined witnesses, and offered argument as to the reasonable and justifiable actions of our employees. I had the opportunity to attend portions of the trial to support Ofc. Warbington – as well as the other employees involved – and am pleased that at the conclusion of today's trial, the jury issued a unanimous verdict in favor of Ofc. Warbington and the City of Tempe.

There is no doubt that our jobs are tough and in light of current events, has become even tougher. Today's verdict demonstrates that our organization is staffed by highly trained professionals who care deeply about what they do; are committed to doing what is right; and are willing to do what is necessary even if that means exposing themselves to personal and professional liability.

In closing, I would be remiss if I did not take a moment to thank Ms. Bowman and Mr. Davis for a "job well done!" Additionally, and just as important, I would like to thank our Mayor and Council, the Tempe City Attorney's Office, and our citizens for their continued support as we remain committed to our obligations as police officers to keep our community safe.

Stay Safe,

Tom Ryff
Chief of Police